

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400-11 To permit accessory structures outside the 1/3 portion of the lot farthest removed from both streets.

1. This pool location is to increase the view of Safety,
2. Reduce the time of travel at the deep end of pool, if and when emergency rescue situation provided.
3. To provide the most usable and safe area of land remaining around pool site of this corner lot.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: (Type or Print Name) Signature
 Legal Owner(s): PRSTAC, JOSEPH & ELEANOR M. (Type or Print Name) Signature
 Address: 5544 Link Ave., 242-1805
 City and State: Arbutus Md. 21227
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted: MFS David K. Luber
 Attorney for Petitioner: 146 Lake Shore Dr. 437-6105
 Address: Pasadena Md. 21122
 City and State: Pasadena Md. 21122
 Attorney's Telephone No.: 437-6105

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of September, 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 15th day of November, 1984, at 10:15 o'clock A.M.

Zoning Commissioner of Baltimore County.
 (over)

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
 TO: Zoning Commissioner Date: October 16, 1984
 Norman E. Gerber, Director
 FROM: Office of Planning and Zoning
 Zoning Petition Nos. 85-105-A, 85-106-SpH, 85-107-A, 85-108-X, 85-109-A,
 SUBJECT: 85-114-A, 85-115-A, 85-118-A, 85-119-A, 85-120-A, and 85-121-A

There are no comprehensive planning factors requiring comment on these petitions.

NEG/JGH/st

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

October 30, 1984

COUNTY OFFICE BLDG.
 111 W. Chesapeake Ave.
 Towson, Maryland 21204

Mr. & Mrs. Joseph Prstac
 5544 Link Avenue
 Arbutus, Maryland 21227

MEMBERS
 Bureau of Engineering
 Department of Traffic Engineering
 State Roads Commission
 Bureau of Fire Prevention
 Health Department
 Project Planning
 Building Department
 Board of Education
 Zoning Administration
 Industrial Development

RE: Case No. 85-115-A (Item No. 56)
 Petitioner - Joseph Prstac, et ux
 Variance Petition

Dear Mr. & Mrs. Prstac:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that they offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

NICHOLAS B. COMODARI
 Chairman
 Zoning Plans Advisory Committee

NBC:bsc

Enclosures

BALTIMORE COUNTY
 DEPARTMENT OF PUBLIC WORKS
 TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
 DIRECTOR

September 27, 1984

Mr. Arnold Jablon
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21204

Re: Item #56 (1984-1985)
 Property Owner: Joseph Prstac, et ux
 W.S. Link Ave. 252' S. June Rd.
 Acres: Lot #174, North Haleshorpe 5/84
 District: 13th

Dear Mr. Jablon:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General Comments:

As no public facilities are involved, this office has no comment.

Very truly yours,
 GILBERT S. BENSON, P.E., Asst. Chief
 Bureau of Public Services

GSB:EAM:ROP:ss

BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING
 TOWSON, MARYLAND 21204
 494-3211
 NORMAN E. GERBER
 DIRECTOR

Mr. Arnold Jablon
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21204

Re: Zoning Advisory Meeting of 9-4-84
 Item # 56
 Property Owner: Joseph Prstac, et ux
 Location: 174 S. June Rd.
 S of June Rd.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- (X) There are no site planning factors requiring comment.
- () A County Review Group Meeting is required.
- () A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () Parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on _____.
- () Landscaping should be provided on this site and shown on the plan.
- () The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- () The property is located in a traffic area controlled by a "T" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- (X) Additional comments:

Site plan should include vicinity sketch.

Eugene A. Boser
 Chief, Current Planning and Development

cc: James Hoswell

BALTIMORE COUNTY
 DEPARTMENT OF TRAFFIC ENGINEERING
 TOWSON, MARYLAND 21204
 494-3550
 STEPHEN E. COLLINS
 DIRECTOR

September 11, 1984

Mr. Arnold Jablon
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21204

Item No. 49, 51, 53, 54, 55, and 56 ZAC- Meeting of September 4, 1984
 Property Owner:
 Location:
 Existing Zoning:
 Proposed Zoning:

Acres:
 District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 49, 51, 53, 54, 55, and 56.

Michael S. Flanagan
 Traffic Engineering Assoc. II

MSP/cdm

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
 111 W. Chesapeake Avenue
 Towson, Maryland 21204

Your petition has been received and accepted for filing this 13th day of September, 1984.

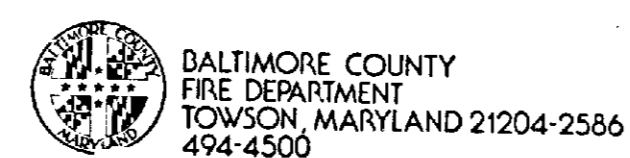
ARNOLD JABLON
 Zoning Commissioner

Received by: NICHOLAS B. COMODARI
 Chairman, Zoning Plans
 Advisory Committee

Petitioner: Joseph Prstac, et ux
 Petitioner's Attorney

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for Variance(s) to permit



PAUL H. REINCKE
CHIEF

September 10, 1984

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Attention: Nick Comofari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Joseph Prstac, et ux

Location: W/S Link Avenue 252' S. June Road

Item No.: 56 Zoning Agenda: Meeting of 9/4/84

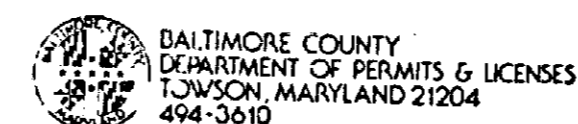
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (X) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED BY: *George M. Haganoff* Noted and Approved: _____
Special Inspection Division Fire Prevention Bureau

/mb



September 5, 1984

ED ZALEWSKI JR.
DIRECTOR
Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 56 Zoning Advisory Committee Meeting are as follows:

Property Owner: Joseph Prstac, et ux
Location: W/S Link Avenue 252' S. June Road
Existing Zoning: R-1, S-5
Proposed Zoning: Variance to permit an accessory structure (swimming pool) to be located outside of the 1/3 portion of the lot farthest removed from both streets.

Address: Lot #171, "North Haleshorpe" 5/81
District: 13th

The items checked below are applicable:

- (X) All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-82 except as noted for the referenced property and other applicable codes.
- (X) A building, fence, or permit shall be required before beginning construction.
- (X) Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/are required. Non-reproducible seals and signatures are required on Plans and Technical Data.
- D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction; no openings permitted within 3'0" of lot line. A firewall is required if construction is on the lot line, see Table 401, Line 2, Section 407 and Table 400, also Section 503.2.
- F. Requested variance appears to conflict with the Baltimore County Building Code, Section 4 _____
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer, certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.
- I. Comments _____

NOTE: These comments reflect only on the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

Charles E. Burman
Charles E. Burman, Chief
Plans Review

CEB:es

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
NW Corner of Link Ave. & : OF BALTIMORE COUNTY
Walnut Rd. (5544 Link Ave.) :
13th District :
JOSEPH PRSTAC, et ux, : Case No. 85-115-A
Petitioners :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-entitled matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 16th day of October, 1984, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Joseph Prstac, 5544 Link Ave., Arbutus, MD 21227, Petitioners; and MPS David K. Liber, 146 Lake Shore Drive, Pasadena, MD 21122, who requested notification.

Peter Max Zimmerman
Peter Max Zimmerman

IN RE: PETITION FOR VARIANCE : BEFORE THE
NW Corner of Link Avenue : ZONING COMMISSIONER
and Walnut Road (5544 Link : OF BALTIMORE COUNTY
Avenue) - 13th Election :
District : Case No. 85-115-A
Joseph Prstac, et ux, :
Petitioner :

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (in-ground swimming pool) to be located outside the third of the lot farthest removed from any street, as more particularly described on Petitioners' Exhibit 1.

The Petitioner, Joseph Prstac, appeared and testified. David K. Liber appeared and testified on behalf of the Petitioners. There were no Protestants.

Testimony indicated that the subject property, zoned D.R.5-5, is located on the corner of Link Avenue and Walnut Road and is improved with a dwelling which faces Link Avenue. The Petitioners have lived on this 60' x 146' property for 25 years and have had an 18' x 32' above-ground pool in the rear yard, as shown on Petitioners' Exhibit 1, for the past 16 years. The pool has deteriorated and the Petitioners would like to construct an 18' x 36' in-ground pool to replace the old one. The new pool would be located parallel to the house rather than perpendicular as the old pool is. Due to the size of the pool, the existence of a storm drain easement, and the existence of a patio, the pool cannot be located elsewhere or within the third of the lot farthest removed from both streets.

The Petitioner seeks relief from Section 400.1, pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property.

McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement the Petitioners seek relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of November, 1984, that the Petition for Zoning Variance to permit an accessory structure (in-ground swimming pool) to be located outside the third of the lot farthest removed from any street be and is hereby GRANTED, from and after the date of this Order, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Charles E. Burman
Charles E. Burman, Chief
Plans Review

AJ/srl

cc: Mr. & Mrs. Joseph Prstac
People's Counsel

ORDER RECEIVED FOR FILING

DATE *November 8, 1984*

BY *John P. Haganoff*

ORDER RECEIVED FOR FILING

DATE *November 8, 1984*

BY *John P. Haganoff*

ORDER RECEIVED FOR FILING

DATE *November 8, 1984*

BY *John P. Haganoff*

MARYLAND PROFESSIONAL SERVICES
146 LAKE SHORE DRIVE • PASADENA, MARYLAND 21122

a united services associate

ZONING DESCRIPTION

Beginning for the same on the west side of Link Ave. at the distance of 252 feet 3-1/2 inches southerly from the corner formed by the intersection of the west side of Link Ave. and the south side of June Road, which place of beginning is at the dividing line between Lots Nos. 174 and 175 As shown on Plat Book W.P.C. No. 8, Folio 84 of North Haleshorpe, Plat No. 3

Running thence southerly, binding on the west side of Link Ave. 44 feet; thence still southerly on an arc of a circle, the radius of which is 11 feet 8 inches, for the distance of 22 feet 10-1/2 inches to the northerly side of Walnut Road, as shown on said Plat; thence westerly, binding on Lot No. 173. 60 feet to Lot No. 175; Thence easterly, Parallel with Walnut Road, And binding on Lot No. 175 146 feet 2 inches to the place of beginning.

BEING Lot No. 174, Plat No. 3 of North Haleshorpe being as recorded aforesaid.

THE improvement thereon being known as
No. 5544 Link Avenue.

BEING IN THE 13 TH. Dist. of Balto. Co. of Md.
ZONED ; DR 5-5

PETITION FOR VARIANCE
13th Election District

LOCATION: Northwest corner of Link Avenue and Walnut Road
(5544 Link Avenue)

DATE AND TIME: Monday, November 5, 1984 at 10:15 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit accessory structures to be located outside the third portion of the lot farthest removed from both streets.

Being the property of Joseph Prstac, et ux as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

October 4, 1984

Mr. and Mrs. Joseph Prstac
5544 Link Avenue
Baltimore, Maryland 21227

NOTICE OF HEARING
RE: Petition for Variance
NW corner, Link Ave. and Walnut Rd.
(5544 Link Ave.)
Joseph Prstac, et ux - Petitioners
Case No. 85-115-A

TIME: 10:15 A.M.

DATE: Monday, November 5, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 133247

DATE: 9-23-84 ACCOUNT: R-01-615-072

AMOUNT: 35.00

RECEIVED FROM: 6.115-84

FOR: Ely, et ux - Petitioners

104*****36001a 6246F

cc: Mr. David K. Luber
146 Lake Shore Drive
Pasadena, MD 21122

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

October 26, 1984

Mr. and Mrs. Joseph Prstac
5544 Link Avenue
Baltimore, Maryland 21227

RE: NW corner of Link Avenue and
Walnut Road (5544 Link Avenue)
Petition for Variance
Joseph Prstac, et ux - Petitioners
Case No. 85-115-A

Dear Mr. and Mrs. Prstac:

This is to advise you that \$40.30 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

ARNOLD JABLON
Zoning Commissioner

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 135835

DATE: 11-5-84 ACCOUNT: 01-615-072

AMOUNT: \$40.30

RECEIVED FROM: Joseph Prstac

FOR: Prstac, et ux -

85-115-A

104*****40301a 6246F

VALIDATION OR SIGNATURE OF CASHIER

Patuxent Publishing Corp.
10750 Little Patuxent Pkwy.
Columbia, MD 21044

October 18 19 84

THIS IS TO CERTIFY, that the annexed advertisement of
PETITION FOR VARIANCE

was inserted in the following:

□ Catonsville Times
□ Arbutus Times
weekly newspapers published in Baltimore County, Maryland
once a week for one successive weeks before
the 20 day of October 19 84, that is to say,
the same was inserted in the issues of

October 18, 1984

PATUXENT PUBLISHING CORP.
By: [Signature]

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 18, 1984.

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., appearing on
October 18, 1984.

THE JEFFERSONIAN,

[Signature]

Cost of Advertising 20.00

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

85-115-A
4:36 PM

District: 13th Date of Posting: 10/20/84

Posted for: Variance to permit accessory structures to be located outside the third portion of the lot farthest removed from both streets.

Petitioner: Joseph Prstac, et ux

Location of property: NW corner of Link Ave. and Walnut Rd.
5544 Link Ave., 21227

Location of Signs: Approx. 10' from corner of Link & Walnut, in yard of Prstac, et ux.

Remarks: [Signature]

Posted by: [Signature] Date of return: 10/26/84

Number of Signs: 1

